

USDC
DOCUMENT
ELECTRONIC

DOC #:

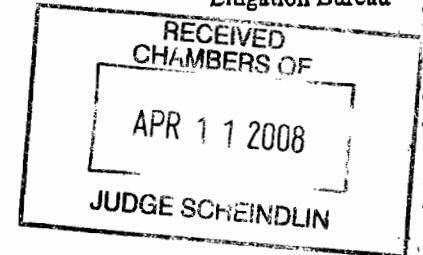
DATE FILED: 4/11/08

STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney GeneralLESLIE G. LEACH
Executive Deputy Attorney General
Division of State CounselJUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

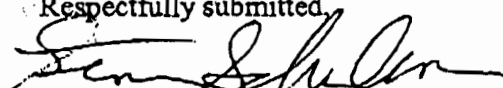
April 10, 2008

By FaxThe Honorable Shira A. Scheindlin
United States District Judge
United States District Court
500 Pearl Street, Room 1620
New York, New York 10007-1312
Fax # 212/805-7920Re: Gardner v. Daddezio, et al.,
07-Civ-7201 (SAS) (Pro Se)

Dear Judge Scheindlin,

Defendant D'Addezio respectfully requests an extension of the time to take pro se prisoner plaintiff's deposition from April 15, 2008, to the general discovery deadline of April 30, 2008. Plaintiff was recently away from his facility for a trial on another matter. In addition, it was my intention to address plaintiff's claims against both defendants at the deposition. However, plaintiff has not yet amended the complaint to name the John Doe despite receiving information as to Doe's name, Sgt. Haller, and location, Orleans Correctional Facility, in a letter dated January 29, 2008. Defendant wrote to me on March 20, 2008, indicating that he continued to intend to name Sgt. Haller a defendant, but has not yet done so. Although I will be prepared to cover the claims against both defendants in one deposition, because the case is close to the completion of discovery as to defendant D'Addezio, defendant also respectfully requests that the Court set April 30 as plaintiff's deadline to amend the complaint to name Sgt. Haller.

Respectfully submitted,


 STEVEN N. SCHULMAN (SS3894)
 Assistant Attorney General
 (212) 416-8654
 Fax # (212) 416-6009

 cc: **By Fed Ex**
 Phillip Jerome Gardner
 00-A-1955
 Great Meadow Correctional Facility
 11739 State Route 22
 Comstock, New York 12821

Defendants' requests are both granted. The deadline to amend the Complaint is April 30, 2008 and defendants' time to take plaintiff's deposition is extended to and including April 30, 2008.

 Division of State Counsel • Litigation Bureau
 120 Broadway, New York, N.Y. 10271-0332 • Phone (212) 416-8610 • Fax (212) 416-6075 • Not For Service of Papers
<http://www.oag.state.ny.us>

 So Ordered: *Steffe* *USD* *4/11/08* TOTAL P.02